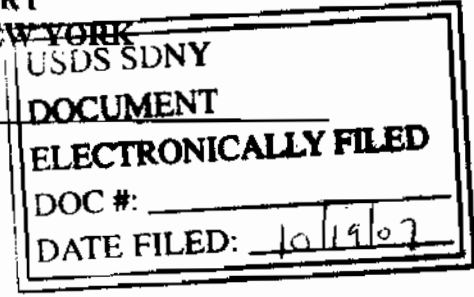


UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



CRAIG FASHBAUGH

Plaintiff,

v.

CONTINENTAL ASSURANCE COMPANY
AND HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY,

Defendants.

Case No. 07-CV-5791

STIPULATION AND ORDER

WIIEREAS, the parties desire to extend the Defendants' time within which Defendants may respond to the Complaint and alter this Court's Civil Case Management Plan in order to undertake good faith settlement negotiations, which were not foreseeable at the time this Court entered the Civil Case Management Plan Scheduling Order, the parties have agreed Defendants' time to answer, move or otherwise plead and all attendant case management order dates in the Civil Case Management Plan By Order of his Court should be further extended by two weeks.

AND NOW, this 9th day of October, 2007, IT IS HEREBY AGREED and ORDERED as follows:

1. Defendant shall answer, move or otherwise plead in response to Plaintiff's Complaint by October 23, 2007.

2. Discovery Pursuant to Fed.R.Civ.P. 26(a) shall be exchanged by October 26, 2007.
3. No additional parties may be joined after December 17, 2007.
4. No pleading may be amended after January 4, 2008.
5. All discovery, *including expert discovery*, must be completed on or before March 21, 2008. (For personal injury, civil rights, employment discrimination or medical malpractice cases only): Plaintiff's deposition shall be taken first, and shall be completed by January 11, 2008. Expert disclosures conforming with Rule 26 must be made no later than the following dates: Plaintiff(s) expert report(s) by February 15, 2008; Defendant(s) expert report(s) by March 7, 2008.
6. A joint pre-trial order in the form prescribed in Judge McMahon's individual rules, together with all other pre-trial submissions required by those rules (not including *in limine* motions), shall be submitted on or before April 18, 2008. Following submission of the joint pre-trial order, counsel will be notified of the date of the final pre-trial conference. *In limine* motions must be filed within five days of receiving notice of the final pre-trial conference; responses to *in limine* motions are due five days *after* the

motions are made. Cases may be called for trial at any time following the final pre-trial conference.

Dated: October 9, 2007

By:


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BY THE COURT

Hon. Colleen McMahon
United States District Judge

1078-07